REMARKS

Reconsideration of the patentability of the claims of the above referenced application is solicited in view of the above amendments and the following comments.

In the outstanding action, the examiner has rejected many of applicants' claims for their alleged failure to comply with the requirements of 35 USC 112 (first paragraph). The examiner's contention is that there is no disclosure in the instant application as originally filed for the claimed feature of audible sound or voice tones combined to make a song. This contention is respectfully traversed.

While it is acknowledged that the word "song" does not appear in the instant application as originally filed, there is ample disclosure of the creation and broadcast of a succession of voice tones corresponding to a succession of voice codes that have been received by the claimed receiver apparatus. The examiner inherently contends, therefore, that a succession of voice tones in a chromatic scale is not a song. That contention is categorically rejected. Webster's New World dictionary defines a song as "a piece of music sung or as if for singing"; "a musical sound like singing"; "a relatively short metrical composition for, or suitable for, singing". There can be no doubt that this application discloses means for generating a series of voice tones. What is a song, but a series of voice tones aired sequentially? What has been disclosed in this application but means to generate a series of voice tones, with determined intervals between successive voice tones, in response to input data that has been received by the instant claimed receiver? Is than not a melody (see page 10, line 10 of the instant specification for the word "melody")? Is a "melody" not a "song" within the definition set forth in the dictionary?? Therefore, even though the word "song" does not appear in the instant application as filed, the disclosure herein is clearly of the transmission of data sufficient to create a series of voice tones at the receiver, which, by definition, is a song. The examiner's attention is directed to newly submitted claims 26 and 27. Claim 26 is substantially similar to claim 3, as previously presented, but replaces the word "song" with the word "melody"; which by dictionary definition is a "song". Note that new claim 27 defines the melody as being made up of at least a portion of a chromatic scale. That, by definition, is a song. Applicants have no special preference for any one of the words: "melody",

"song", "notes of a chromatic scale", etc. these are all substantially the same thing within the context of the instant invention.

It is urged that the examiner reconsider his rejection under 35 USC 112 (first paragraph). That section of the statute requires that the invention be described in sufficient detail to enable a person of ordinary skill in the art to be able to practice the invention and sufficient to advise the public of the metes and bounds of the invention. This specification has done exactly that whether the word "song" or "melody" or "series of notes" or any other synonym is used to describe the result of practicing this invention. The specification has disclosed what pieces of apparatus are required and how these pieces of apparatus cooperate together to produce the result that is sought. That is what the statute requires and that is what has been provided. This rejection should be withdrawn.

In the outstanding action, the examiner has rejected the patentability of some of applicants' claims as being unpatentably obvious in view of the combined disclosures of the cited Motorola PCT publication and the Wong '140 patent. This contention of the examiner is respectfully traversed. It appears as if the examiner has not appreciated the metes and bounds of the instant invention when compared to the prior art. In the instant invention, a radio wave signal is received. This signal has message data with several components: registration data; code data and display data. The prior art has disclosed radio receiving means comprising message data that are made up of registration data and display data.

What is not in the prior art, and what this invention is directed to, is the fact that the receiver has preinstalled in it means to generate voice tones responsive to code data that has been received. Further, these code data are not like the prior art. In the cited prior art, the receiver has preinstalled audio composition(s). The received signal causes the receiver to play that preinstalled composition. Thus, the prior art receivers were limited to a finite number of compositions that could be preinstalled in the receiver and activated by receipt of a signal.

By way of contrast, the instant invention has not preinstalled audio compositions, but has preinstalled specific individual notes or combinations of notes that do not constitute a known

10

audio composition, but rather constitute the basic building blocks from which an audio composition is created. One might liken the notes preinstalled in the receiver of this invention with the keyboard of a piano, or the voice of a singer. All of the notes are there, but they have not yet been arranged in a suitable sequence and interval timing.

The instant invention provides means to activate individual simulated voice notes, or combinations of simulated voice notes, into an assembly that constitutes a song. The selection of the specific sequence of notes and the intervals between notes is a function of the data received by the receiver. That selection is, in turn, determined by the transmitter in that the transmitter sends out a radio signal identifying a specific sequence of codes, that, in turn activates the appropriate sequence of simulated voice tones in the receiver so that an assembled composition is then broadcast by the receiver.

Because the receiver has the fundamental building blocks (a plurality of simulated voice tones) of a great many, if not all, songs/melodies in its memory and the ability to have these activated in any sequence and interval that is desired, there is no limit to the number of compositions that can be broadcast by the receiver. The prior art is not capable of accomplishing this result.

The examiner has asserted that the Motorola reference discloses a receiver that is adapted to receive three sets of codes. The third set of codes is asserted to activate a sound generator to generate recalled tones from its memory. Note the difference between what is disclosed in the Motorola reference and what is being claimed here. Motorola discloses an audio composition composed by a "composer 105" that is sent to an "encoder 110" that also receives message data as input to form a "selective call message". The output of the encoder 110 is said to be a bit stream that is modulated on a radio frequency signal for transmission. The modulated data are sent to a transmitter and transmitted on at least one radio channel (see page 3 of the reference). In the reference, the audio composition, which conceivably could be a "melody/song", is made up at the transmitter side and then transmitted to the receiver (pager) where it is broadcast. In the instant invention, the data that will eventually cause the emergence from the receiver of a song/melody is transmitted from the transmitter, but the song/melody is assembled in the

receiver after the controlling information is received. There is a significant difference between these two events.

The examiner has cited the Wong et al. '140 reference as being pertinent in that it is asserted to disclose a pager that generates audio messages. Note, however, that the Wong et al. receiver is adapted to receive a preprogrammed call back number(s). When such number is received, a comparator determines if the received number is one of the numbers in memory. If it is, a preprogrammed alert is sounded. This is nothing at all like what the instant claimed invention is. There is no plurality of individual voice tones available in the receiver of the reference. There is no means of actuating a specific sequence of such individual voice tones as a function of data received by the receiver. The reference is programmed to broadcast one of a select few prerecorded alert messages. It does not disclose assembling melodies from building blocks located at the receiver side.

The examiner has cited the Fisch et al. reference for its alleged disclosure of a voice message pager. Note that applicants' claims are directed to assembling a melody/song of voice tones. That is clearly not what Fisch et al. are doing. There is nothing in this reference to show that certain codes are transmitted to a receiver that has voice tones within its memory. There is nothing that discloses activating only certain voice tones, that are part of a chromatic scale, as a function of the receipt of such codes. That is what applicants are claiming and the reference is not pertinent.
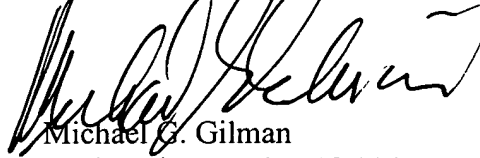
The examiner has cited the Kawashima reference as disclosing a pager that uses an audible composition to convey additional information. Again, that is not what is being claimed here. In the instant invention, code data are received from a transmitter. The code data actuate stored voice tones that form a melody in a chromatic scale. No such device is disclosed in this reference.

It is urged that the examiner reconsider this application, and specifically the claims thereof, and find the claims to be allowable over the cited and applied art.

Respectfully submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP.
USPTO Customer No. 22429

Michael G. Gilman
Registration number 19,114
Attorney for the applicants

1700 Diagonal Road,
Suite 310
Alexandria, VA 22314

Telephone 703 684 1111
Facsimile 703 518 5499

Docket No. 041-2013

March 15, 2004

MGG/vgg